

The 9th/10th July, 1987

No. 9/4/87-6Lab./3992. -In pursuance of, the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s Pack Master Pvt. Ltd., Plot No.14, Sector 4, Faridabad:--

BEFORE SHRI S. B. AHUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 121/1986

between

SHRI SHIV CHARAN S/O SHRI GOKAL SINGH, C/O V. K. SHARMA, B-439
NEHRU GROUND FARIDABAD AND THE MANAGEMENT OF M/S PACK
MASTER PVT. LTD., PLOT NO. 14, SECTOR 4, FARIDABAD

Present:

Shri V. K. Sharma, A. R. for the workman.

None for the Management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Shiv Charan Workman and the Management of M/s. Pack Master Pvt. Ltd., Plot No. 14 Sector-4, Faridabad to this Tribunal for adjudication :--

Whether the termination of service of Shri Shiv Charan s/o Shri Gokal Singh is justified and in order ? If not, to what relief is he entitled ?

2. The case of the petitioner is that he was employed by the respondent on 9th June, 1984 as Helper. His last drawn salary was Rs. 400 per month. He alleged that the respondent illegally terminated his service on 3rd July, 1986 during the pendency of conciliation proceedings before the Conciliation Officer, without seeking the express permission in writing of same authority. He assailed the order of termination being illegal, unjustified and in violation of provisions of Industrial Disputes Act, 1947.

3. On receipt of order of reference, notices were issued to the parties. The respondent did not appear despite service by registered post. Hence *ex parte* proceedings were ordered against it.

4. In his *ex parte* evidence, the workman came in the witness box as WW-1 and supported his case on oath. He also produced the photostatic copies of letters Ex.W.1 to W-6 received by him at the address of the respondent factory to substantiate his stand that he was working in the factory during the period from 9th June, 1984 to 3rd July, 1986. I find no reason to disbelieve the testimony of the workman particularly when the respondent has not come forward to contest these proceedings. It is thus amply established that the workman had been in continuous service for more than one year prior the date of termination of his service. It is also clear that no notice or pay in lieu thereof was issued to him before terminating his service. It is also clear from the evidence of the workman that no retrenchment compensation envisaged under section 25-F of the Industrial Disputes Act, 1947 was paid to him. Thus the termination of the service of petitioner is not in consonance with the provisions of section 25-F of the Industrial Disputes Act 1947.

5. In the result, I hold that termination of service of Shri Shiv Charan was neither justified nor in order. He is ordered to be reinstated with full back wages and continuity of service. The *ex parte* award is passed in favour of the workman No order as to costs.

Dated the 18th May, 1987.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Indst. No. 579, dated the 30th May, 1987.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act. 1947.

S. B. AHUJA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.